

The Ontario College of Pharmacists

Submission to the

Health and Human Services Task Force on Drug Importation

May 14, 2004

Established under the Pharmacy Act of 1871 the Ontario College of Pharmacists is the largest licensing and regulatory body for the profession of Pharmacy in Canada. The College's authority to regulate the profession of Pharmacy is vested within provincial health legislation, namely the *Regulated Health Professions Act* which grants self-regulating authority to 23 health professions in Ontario. With 10,000 pharmacists on the current register, the College regulates approximately 40% of the pharmacists in Canada. In addition, 3000 community pharmacies are currently accredited and regulated by the College with respect to operational standards.

The questions posed by the Task Force are excellent and comprehensive- indeed, much detailed consideration and research would be required before we could attempt to provide answers. This submission sets out the position of the College on the provision of pharmacy services, highlights some of the experiences we have had in our jurisdiction and addresses the issues that could challenge our ability to regulate effectively in the public interest.

It is the position of the Ontario College of Pharmacists that high quality cognitive standards of practice for pharmacists and operational standards for pharmacies must be met regardless of where the patient obtaining pharmacy services from Ontario resides. These standards include the pharmacist establishing a professional relationship with the patient and taking reasonable steps to enter into a dialogue on his or her drug therapy. In all situations where drugs are delivered to patients, the College's standards for packaging, shipping and delivery (and Canada customs rules and regulations for delivery outside Canada) must be met. The College's *Point of Care* symbol, which is included for your information, must, as a standard of accreditation, be prominently displayed in all accredited pharmacies and their related websites.

Ontario law does not contemplate *virtual* pharmacies and as such, Ontario pharmacies are accredited "brick and mortar" pharmacies- each of which is routinely inspected by College inspectors once every 3 years to ensure compliance with our requirements. Of the 3000 pharmacies currently issued certificates of accreditation by the College, records show that less than 300 have websites available to the public- the majority of these use their websites as another method of communicating with their patients and do not provide pharmacy services over the internet. The exact number of pharmacies in Ontario providing internet pharmacy services is not certain but we do know that any such practices are directed primarily to patients residing outside Canada and the College investigates each and every such operation as they become known to us through various means.

Although the issue of cross border prescription sales gives rise to issues and potential issues, as regulators charged with protection of the public, our position remains grounded in the knowledge that Ontario has a safe and effective self-regulatory system that protects the public-whether they reside in Ontario or not- against practitioners (pharmacists and prescribers) and pharmacies that fall below our standards of practice. Furthermore, we believe this to be true across Canada and would suggest that the American public is not at risk if they obtain their pharmacy services from legitimate, licensed and accredited pharmacists and pharmacies in Canada.

This brings me to our primary issue of concern which is the increasing inability of regulators to protect the public against internet sites that purport to be but are not legitimate. An increasing number of websites exist that promote themselves as pharmacies located in Canada when in fact, they are not legitimate accredited pharmacy operations. In the spring of 2002, the Ontario College of Pharmacists, acting under the authority of the Provincial Offences Act, effectively closed down in Ontario an illegal operation selling drugs to the American public using the name thecanadiandrugstore.com. The College laid a total of fifteen charges under the Provincial Offences Act against the operation, its owner and operator who was not a pharmacist, including using the name “drugstore” which is a protected title under Ontario law. We also laid charges against an Ontario pharmacist, pharmacy, physician and a Canadian drug wholesaler for their roles in aiding and abetting this illegal operation. In June, 2003 the case was successfully prosecuted and I have brought copies of the press releases setting out the details of the charges and the results of this prosecution for your information.

The College’s prosecutorial actions against thecanadiandrugstore.com was necessary but extremely resource-heavy, and underscores the importance of a cooperative, coordinated approach in pursuing rogue internet prescription drug sites. Furthermore, focusing our attention on the procurement of prescription drugs from bona fide, regulated and safe pharmacists and pharmacies based in Canada is in our opinion, not helpful and diminishes our effectiveness in protecting the public against potentially dangerous drugs obtained through the unregulated internet sites. Also as regulators, we cannot totally solve the problem unless there is an effective public education program on both sides of the border. The VIPPS™ program established by the National Association of Boards of Pharmacy, and the College’s *Point of Care* program are examples of programs that offer assurances to the American public that pharmacy sites from which they seek their prescription services are both legitimate and subject to regulation.

While these programs are a good start, it is our view that much more needs to be done to inform the public of the importance of verifying the legitimacy of their health care providers.

Thank you for the invitation to present our position before you today.